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EXTRAORDINARY

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 10th March, 1961:—

BILL No. 52 OF 1960

*A bill to provide for fixation, regulation and control of the prices of commodities which are essential for the life of the community.*

WHEREAS it is considered necessary to fix, regulate and control the prices of the commodities which are essential for the life of the community and also to prevent any sales of such commodities at prices higher than the prices so fixed, regulated or controlled;

Preamble.

5 BE it enacted by Parliament in the Eleventh year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Fixa-  
tion, Regulation and Control of Prices) Act, 1960.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

10 (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) “essential commodity” means—

15 (i) rice, wheat or any other cereal either as such or powdered which is used as staple food by the people in one or more States or districts in a State;

(ii) sugar, jaggery or any other product which is derived from sugar or a substantial part of which consists of sugar;

(iii) kerosene oil or any other fuel oil, coal, coke and charcoal which are ordinarily used as household fuel;

(iv) all edible oils including coconut oil, gingelly oil, mustard oil and hydrogenated vegetable oils;

(v) cotton and woollen textiles;

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(vi) any spices which the Central Government may, by notification in the Official Gazette, declare to be essential for the use of the people in general; and

(vii) any other commodity which the Central Government may, from time to time, by notification in the Official Gazette, declare as an essential commodity.

(2) Every notification issued under clauses (vi) and (vii) of sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made, and shall cease to operate at the expiration of forty days from the re-assembly of Parliament unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

*Explanation.*—Where the Houses of Parliament are summoned to re-assemble at different dates, the period of forty days shall be reckoned from the later of those dates.

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Power to  
fix prices of  
essential  
commodities.

3. (1) If the Central Government is satisfied that in the public interest it is expedient so to do, it may, by general or special order, fix the prices of essential commodities specified in the order.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government consider best calculated to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall be in force until such time as the Central Government may, by notification in the Official Gazette, revoke.

(4) Upon issue of a notification under sub-section (1) no person shall sell any essential commodity at prices higher than those fixed in the notification.

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Penalty for  
selling in  
excess of the  
prices fixed.

4. Any person who sells any essential commodity in contravention of clause 3 shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees.

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*Explanation.*—For the purpose of this section, a person includes, in the case of a limited company its Directors and in the case of partnership firm all its partners and in the case of a Co-operative Society its Directors and its officers.

5 of 1898. 5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Act. Powers to arrest without warrant.

10 of 1955. 6. The provisions of this Act and of any order or Notification issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Essential Commodities Act, 1955 or in any other law for the time being in force. Provisions to over-ride other laws.

## STATEMENT OF OBJECTS AND REASONS

The abnormal rise in prices of essential commodities like cereals, sugar, kerosene oil, cloth etc., is creating serious hardship to the people. In the absence of suitable statutory powers enabling the Government to fix the prices of these commodities and make such commodities available at such prices in the market, it is not possible for the Government to prevent abnormal increase in the prices of essential commodities. Experience in the past ten years has shown that unless strong measures are taken to control the prices of essential commodities, prices will go on rising. The Bill mainly provides for fixation of prices of essential commodities and measures to enforce the fixed prices.

NEW DELHI;  
*The 25th July, 1960.*

T. C. N. MENON.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill delegates to the Central Government powers to issue notifications for the purpose of declaring certain items as essential commodities. The commodities in respect of which notification may be made are specified in sub-clauses (i), (vi) and (vii) of that clause.

2. Clause 3 gives powers to the Central Government to fix prices of essential commodities by general or special order and provision is made for publication of such orders in the Official Gazette. The matters in respect of which orders may be made are specified in sub-clauses (1), (2) and (3) of that clause

3. Having regard to the object of the Bill, the delegation cannot be said to be of an exceptional character.

## BILL No. 93 OF 1960.

*A bill further to amend the Land Acquisition Act, 1894.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title  
and comm-  
encement.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1960.

(2) It shall come into force at once.

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Amendment  
of section 4.

2. In section 4 of the Land Acquisition Act, 1894, after sub-section (2), the following sub-sections shall be inserted, namely:—

1 of 1894.

“(3) All the investigation and inquiry under this section shall be made within a period of six months from the date of the publications of preliminary notification under sub-section (1). 10

(4) In case the investigation and enquiry is not completed within the period specified in sub-section (3) the property notified shall be deemed to have been *ipso facto* released from the obligations of the notification under sub-section (1).”

## STATEMENT OF OBJECTS AND REASONS

The Land Acquisition Act, 1894 was enacted about 66 years ago. Experience has shown that delay occurs in acquisition proceedings. The machinery provided and the procedure laid down in the Act lead to great delays in obtaining possession of the land sought to be acquired. The complaint from the public is that there are unconscionable delays in the determination of compensation and its payment to the owners of properties. Mostly the delay occurs in the notification under section 4 and declaration under section 6.

Instances are not wanting where several years have elapsed since objections were filed but no enquiry was made. This resulted in enormous loss to the persons concerned.

The Law Commission has suggested changes in the procedure for acquisition of land so as to eliminate delay and they have observed that for the smooth and speedy attainment of the ideal of a Welfare State it is imperative that Government should be able to obtain possession of the lands needed for their projects with the least possible delay.

The Bill seeks to achieve the above object.

NEW DELHI;

N. KESHAVA.

*The 15th November, 1960.*

## BILL No. 8 OF 1961.

*A Bill to provide aid to the political sufferers.*

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title  
and extent.

1. (1) This Act may be called the Political Sufferers Aid Act, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “aid” means any of the different forms of aids which are admissible under this Act;

(b) “dependent” means any of the following relations of a deceased political sufferer, namely, a wife, a destitute parent, a minor son or son’s son, a brother, and unmarried daughter or sister and a widowed daughter-in-law as well as minor children of a predeceased son;

(c) “political movement” means any movement or activity, violent or non-violent,—

(i) for the achievement of independence of India, or

(ii) for the achievement of responsible Government in any of the erstwhile native states, or

(iii) for the amelioration of the conditions of the tenants or the backward classes including Harijans and Adivasis or labour or youth or students or women, or



(iv) for any democratic movement, or

(v) which may be declared by the Central Government by notification in the Official Gazette to be a political movement for the purpose of this Act;

5 (d) "political sufferer"—

(i) means a person who, on account of his association with or participation in a political movement or on other political grounds, may have, before the 15th of August, 1947, been subjected to any sufferings hereinafter enumerated; and

10 (ii) includes a relation of such person who may have been subject to any such suffering.

3. The sufferings, for which aid may be granted under this Act **Sufferings.** to a political sufferer or in case of his death to his dependents, shall be all or any of the following, namely:—

15 (a) death caused—

(i) in pursuance of a capital sentence for an offence committed in pursuance or in furtherance of a political movement or otherwise related to such political movement, or

20 (ii) while in imprisonment as a convict or as an under trial prisoner for any such offence, or

(iii) while in detention on the grounds connected with political movement, or

25 (iv) in consequence of a hunger-strike undertaken during the course of a political movement or while in such imprisonment or detention, or

(v) in consequence of some disease contracted while in such imprisonment or detention or such a hunger-strike, or

30 (vi) in consequence of any violent fight in a rebellion or mutiny, or

(vii) in consequence of having been shot down or beaten or otherwise tortured while in imprisonment or detention as aforesaid or on account of his activities connected with a political movement, or

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(viii) while in exile, externality or remaining underground outside India;

(b) permanent bodily or mental disablement caused in the circumstances specified in clause (a) in India or outside India;

(c) loss of or damage to property, whether movable or immovable, caused— 5

(i) by seizure, confiscation or forfeiture, or

(ii) by imposition and recovery of fine including a collective and punitive fine, or

(iii) by attachment or attachment and sale or sale without attachment or sale of property seized, confiscated or forfeited, or 10

(iv) by loot or plunder, or

(v) by any other similar thing or event which the Government may in its discretion decide to have been done or to have taken place, on grounds connected with political movement or as a result of any act or offence related to or arising from or during the course of any action taken for the suppression of such movement under the orders or at the instigation or with the connivance of the British Government or any native state ruler or any officer thereof; 15 20

(d) loss of Government service by dismissal, discharge, forced resignation or retirement or demotion on grounds connected with political movement or for association with or participation in a political movement directly or indirectly or on the ground of association or relationship with a person participating in a political movement or engaged in any activity connected with political movement; 25

(e) termination of the educational career by expulsion or rustication from any educational institution or examination or withholding of degrees and diplomas on account of participation in a political movement. 30

Forms of  
aid.

4. The forms in which aid may in the discretion of the Central Government be granted under this Act, shall be all or any of the following, namely:— 35

(i) pension for life or for a specified period.

(ii) lumpsum grants for taking to some business or industry or otherwise,

(iii) credit facilities for the co-operatives if formed,

(iv) restoration of or compensation for the property confiscated, forfeited, seized, lost or damaged in the circumstances mentioned in clause (c) of section 3 and refund of fines,

5 (v) re-employment in Government service and grant of proportionate pension or employment of dependents in Government service,

(vi) restoration of degrees and diplomas withheld,

(vii) land grants for settlement as agriculturists,

(viii) free education to the children.

10 5. (1) A suitable pension by way of compensation may be granted to the dependents of a political sufferer who has died in any of the circumstances mentioned in clause (a) of section 3 or to dependents of a person who mainly devoted his time in a political movement continuously for a period of not less than 5 years after attaining the  
15 age of majority and had been in jail or had to suffer various persecutions in connection with such movement. In such cases pension may be given—

Pensions to dependents of political sufferers.

(i) for life to the widow, destitute parents and widowed daughter-in-law of the deceased,

20 (ii) until attainment of majority to the minor sons and brothers or minor children of a predeceased son of the deceased, and

(iii) until marriage, to his unmarried daughters or sisters:

25 Provided that no pension shall be granted under this Act unless it is proved to the satisfaction of the Central Government that the said dependents of the deceased or any of them are in financial distress.

(2) In determining the amount of pension under sub-section (1), the following factors shall be taken into consideration, namely,—

(a) the average earnings of the deceased;

30 (b) the number of dependents;

(c) any other existing source of their livelihood; and

(d) whether all the dependents claiming aid depended solely on the deceased:

35 Provided that no pension or pensions payable under this Act to the dependents of the deceased political sufferer shall exceed two hundred and fifty rupees per mensem in the aggregate:

Provided further that no pensions shall be paid in case a pensioner gets gainful work or employment.

Pension to  
political  
sufferers.

6. (1) A pension not exceeding two hundred and fifty rupees per mensem in any case shall be paid for life—

(a) to a political sufferer who has been permanently disabled as stated in clause (b) of section 3;

(b) to a person who has mainly devoted his time in a political movement continuously for a period of not less than 5 years after attaining the age of majority, and has been in jail during such period and who is financially in distress. 5

(2) In determining the amount of pension payable under sub-section (1) the following factors shall be taken into consideration, 10 namely,—

(a) the earnings of such political sufferer or pension before such disablement or devotion;

(b) the loss in his earning capacity by reason of participating in or as a result of political movement; 15

(c) the number of persons solely dependent on him for their livelihood; and

(d) any other existing source of livelihood.

Lumpsum  
grants and  
loans.

7. (1) The Central Government may in its discretion allow lumpsum cash grants— 20

(a) in lieu of any pension or pensions under section 5 or 6 in deserving cases for the purpose of taking up some business or industry or resorting to co-operative farming;

Provided that no such grant shall exceed five thousand rupees, 25

(b) for performing the marriage of an unmarried daughter or sister of a political sufferer in addition to such pension or pensions, payable under clauses (a) and (b) of section 3 or for medical treatment of a political sufferer covered by clause (b) of section 3: 30

Provided that no such grant shall exceed two thousand rupees,

(c) for educational purposes of a political sufferer, in addition to such pension or pensions payable under this Act:

Provided that no such grant shall exceed five hundred rupees. 35

(2) In lieu of a lumpsum cash grant admissible under sub-section (1) the Central Government may in its discretion advance secured loan not exceeding five thousand rupees or unsecured loan not exceeding three thousand rupees for house building purposes or for

any other purpose to be approved by the Central Government repayable with or without interest within such period as may be specified on the merits of each case.

8. (1) Any property seized, forfeited, confiscated or attached in the circumstances specified in clause (c) of section 3 shall be liable to restoration together with the income, if any, received therefrom by the then State Governments, native states or the Central Government since the date of such seizure, forfeiture, confiscation or attachment. Restoration of property.

(2) Where any such property shall have been sold, only the sale proceeds thereof shall be restored without any interest and after deducting actual expenses of sale, if any.

(3) Any restoration under this section shall be ordered by the Central Government only in favour of the political sufferers themselves or in favour of their dependents or in favour of such of their heirs as are not collaterals or other distant relations.

(4) The Government may in its discretion—

(a) make *ex gratia* payments not exceeding one thousand rupees in any one case to political sufferers by way of compensation for loss of or damage to their properties caused by any of the circumstances mentioned in clause (c) of section 3, or

(b) advance to them secured or unsecured loans of not more than two thousand rupees in any one case repayable with or without interest within such period as may be specified in the peculiar circumstances of each case:

Provided that no such payment shall be made and no such loan shall be advanced if such property has since passed hands.

9. Fines including collective and punitive fines imposed during or for an act or offence related to or arising from a political movement, which have been recovered at any time before the passing of this Act, shall be refunded to the persons on whom they were imposed or to their dependents or heirs. Refund of fines.

10. Minor children and grand children of political sufferers mentioned in sections 5 and 6 shall not pay fees in schools and colleges. Non-liability for payment of school or college fees.

11. (1) No conviction for any offence committed in connection with or in furtherance of a political movement shall constitute a bar to appointment in any Government service. Relaxation of restrictions on entry into Government service.

(2) Participation in a political movement shall be regarded as an additional qualification and, other things being equal, preference will be accorded to candidates who took part in any such movement.

(3) A candidate who has taken part in a political movement and has either been—

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(a) debarred from or refused admission to a competitive examination or interview held by a Public Service Commission or other authority appointed by the Government for the purpose on account of his activities connected with a political movement, or

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(b) imprisoned or detained in jail on account of such activities, merely preventing his candidature for such examination or interview, will be allowed one chance to appear at any such examination or interview, if he is not over thirty-five years of age on the date of application for such post.

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Employment  
in Govern-  
ment  
service.

12. (1) A person who lost Government service in the circumstances specified in clause (d) of section 3 will be eligible to re-employment in Government service if he is below fifty-five years of age.

(2) Such person may be granted with retrospective effect from the date of the termination of his service such proportionate pension or gratuity or both as would have been admissible to him on that date according to the rules to which he was then subject as if he had been compulsorily retired from that date on grounds of ill-health.

(3) A civil pensioner whose pension was forfeited in any of the circumstances specified in clause (d) of section 3 shall be restored his pension with retrospective effect from the date on which the forfeiture took effect.

(4) If a person who lost Government service in the circumstances specified in clause (d) of section 3 has since died or is more than fifty-five years of age or has become infirm and unfit for Government service, the Central Government or the State Government may provide suitable employment in Government service to any two of his dependents or if there be no dependents to any one of his heirs if it is satisfied of the existence of an acute distress for want of such employment.

Land grants.

13. The Government may, if it is satisfied that a political sufferer who had to give up his profession, calling or studies on account of his activities connected with a political movement or imprisonment or detention in jails on grounds connected with political movement

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desires to resort to agriculture, grant him land free of any premium or other charge not exceeding 25 bighas of cultivable lands or 50 bighas of unreclaimed lands, whether in lieu of or in addition to any other aid under this Act with a view to facilitate his settling down as an agriculturist.

14. The application for aid under this Act shall, without any limit as to time, be presented by the claimant to the Chief Minister of the State to which the applicant belongs.

Presentation  
of applica-  
tion for aid.

15. The State Government may, by notification in the Official Gazette, provide such rules for all or any of the following matters, namely,—

Power to  
make rules.

(a) form of application,

(b) production of documentary evidences,

(c) methods of enquiry,

15 (d) procedure of appeal in case of rejection of claims, and

(e) any other matter which has to be or may be prescribed.

## STATEMENT OF OBJECTS AND REASONS

The political sufferers who sacrificed their lives and properties in the political movements and in the movements having repercussions in the sphere of the struggle for national liberation are very regretfully neglected. A comprehensive Bill for granting aid and loans for their proper rehabilitation in the society has been overdue. Some States like Rajasthan, Punjab, Maharashtra, Andhra Pradesh and Uttar Pradesh have granted some aid, loans and concessions to the political sufferers or their dependents. But no basic standard or principle is maintained in the States concerned nor is there some provision at all in some States.

This Bill aims at ameliorating the distress of the political sufferers and for their proper rehabilitation.

NEW DELHI;  
*The 30th January, 1961.*

AUROBINDO GHOSAL.



## FINANCIAL MEMORANDUM

The Bill envisages aid and loans to the political sufferers and hence involves some expenditure. No exact estimate is possible now of the total amount required for recurring expenditure. The amount to be spent as lumpsum grants cannot be precisely estimated beforehand as it depends on the number of claimants and their eligibility. But to start with Rupees ten lakhs should be sanctioned.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The matters in respect of which rules may be made by State Governments have been prescribed in Section 15 of this Bill. All these matters are of a routine or administrative nature.

The delegation of legislative power is thus of a normal character.

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M. N. KAUL,  
*Secretary.*